

REMARKS

Amendment to the Specification

Page 9 of the specification was amended to correct an obvious error (deletion of "tetrazolyl"). The heteroaryl groups set forth in the paragraph beginning on page 9 are defined as containing one to three sulfur, oxygen and/or nitrogen atoms. Thus, "tetrazolyl" should not have been included in the list of heteroaryl groups set forth in said paragraph.

Priority Claim

1. The following position was taken at the middle of page 2 of the Office Action:

"The instant application is a CIP of PCT/JP02/00400, which published as WO 2002/059074 on 8/1/02. In the WO '074 publication, Ra and R1 are alkyl; R2 and R3 are H; A is alkylene; E is O; X1 and X2 are O and S; Arom is aryl. Therefore, the priority claim is granted for the above listed substituents only, while it is denied for all other claimed substituents.

The undersigned called the Examiner on March 26, 2007 to ask him how he arrived at the above substituents, since WO 2002/059074 is printed in Japanese. The Examiner said that the substituents identified in the middle of page 2 of the Office Action were the substituents as set forth in the abstract of WO 2002/059074.

Submitted concomitantly herewith is an English-language translation of PCT/JP02/00400, along with a STATEMENT OF ACCURACY OF TRANSLATION of Masao Miyauchi, dated April 23, 2007.

It is therefore respectfully requested that applicants be afforded the priority under 35 USC 120 of PCT/JP02/00400 filed January 22, 2002.

2. Regarding applicants' claim for priority under 35 USC 119, in reply to page 2, lines 15 to 18 of the Office Action, certified copies of applicants' two Japanese priority documents were filed on July 28, 2003, and the Examiner acknowledged receipt of these certified documents in the January 22, 2005 Office Action.

Prior Art Rejections

Claims 46 to 62, 66 to 68, 70 to 74, 76, 78 to 84, 102 to 109, 111 to 117 and 119 to 133 were rejected under 35 USC 102 as being anticipated by Kogen et al., Org. Letts., (2002), Vol. 4(20), pages 3359 to 3362 for the reasons set forth at the middle of page 3 of the Office Action.

Claims 185 to 92 [sic] were rejected under 35 USC 103 as being unpatentable over Kogen et al., Org. Letts. (2002), Vol. 4(20), pages 3359 to 3362 for the reasons set forth on pages 3 to 4 of the Office Action.

The first page of the Kogen et al. publication states that it was received on June 25, 2002.

Considering that the applicants should be entitled to the benefit of priority of the January 22, 2002 filing date of PCT/JP02/00400 by the submission of the enclosed English-language translation of PCT/JP02/00400, along with the STATEMENT OF ACCURACY OF TRANSLATION of Masao Miyauchi, then it is respectfully requested that Kogen et al. be removed as a reference. Withdrawal of the two prior art rejections is therefore respectfully requested.

Reconsideration is requested. Allowance is solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

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Respectfully submitted,



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Enclosures: English-language translation of PCT/JP02/00400 along with a STATEMENT OF ACCURACY OF TRANSLATION of Masao Miyauchi dated April 23, 2007